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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,993	03/23/2001	Kirk Tecu	10010017-1	7620

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EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2175

13

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/816,993

**Applicant(s)**

TECU ET AL.

**Examiner**

Sam Rimell

**Art Unit**

2175

⚠ The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

Art Unit: 2175

Preliminary Note: Appellant's Appeal Brief has been received and fully considered. In view of the evidence submitted with the appeal brief including the terminology definitions provided, examiner has withdrawn the previously applied prior art rejection.

The claims presently under examination are those submitted by applicant with the response of December 29, 2003, which was approved for entry by the examiner's advisory action of January 7, 2004. Applicant's response of December 29, 2003 cancelled claims 14-19. Accordingly, claims 1-13 and 20 are pending.

This office action includes new grounds of rejection and is accordingly made non-final.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 12, 13 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lappenbusch et al. (U.S. Patent 6,297,748).

Claim 1: FIG. 2 illustrates clients (42) and servers (38) communicating data via a network (the Internet). As seen in FIG. 8, the client is presented with a user interface (60) that permits input of data to the server. In the user interface of FIG. 8, the client is initially presented without beginning end points or a highlighted route. The client inserts position data (begin point 83 and end point 84) on the image of the map and forwards this annotated map to the appropriate server. The server then returns various forms of content data, such as a highlighted route

Art Unit: 2175

between the beginning and end points and the additional data in the boxes (62) and (84). The image of the map ends up being further annotated by the highlighted route.

Claim 2: Col. 2, lines 5-12 identify location names, such as Seattle or Houston that can be used in a URL. The URL is then used to query data from an Internet server to produce one of the maps, as illustrated in FIGS. 4-8. The items in boxes 64 and 82 constitute content data that is returned to the client.

Claim 3: Entering the position data (the beginning and ending points in FIG. 8) effects a query of the data contained in the relevant server. Some of the data retrieved includes location names (“Pike” in box 64). Traffic incidents can also be reported which can include location of an incident (col. 8, lines 12-18).

Claim 4: As seen in FIG. 8, the retrieved content data includes text.

Claim 5: As seen in FIG. 4, a user can send chronological data to the server (a request for commute time—col. 6, lines 34-40). The saved data within the appropriate server is then queried to receive further content data (commuting time) that is then displayed to the user.

Claim 6: FIG. 8 illustrates annotated images (an annotated map) which are provided to the client computer.

Claim 7: The data is provided to the client computer using a browser program (Microsoft Internet Explorer—col. 5, lines 12-13) that inherently produces web pages.

Claim 8: The position data are the specifications of beginning and ending points (83, 84) on a map of a city. All points on a geographical map are inherently associated with longitude and latitude coordinates.

Art Unit: 2175

Claim 9: Once an annotated map image is displayed to a user (FIG. 8 map annotated with a preferred route) it is stored on the client's display until changed by new commands from the user. In addition, since the client system is a computer, the display can inherently be saved in the client system's memory capability.

Claim 10: The client can access annotated images, such as the image (64) in FIG. 8. The "conditions" are the specifications input by the user, such as the starting and ending point of a trip or specifying a particular leg of the map.

Claim 12: See remarks for claims 1 and 3.

Claim 13: FIG. 2 illustrates a series of dynamic libraries (41). Each library is considered to be a database containing retrievable data. Since each library includes both location data and content, one of the libraries can be designated a location database and another library can be designated as content database. The Internet includes intermediate servers between the client and the libraries (col. 3, lines 54-57). As seen in FIG. 8, the client sends to the server position data (beginning and ending points 83, 84) that are annotated on an image (a map). Content data is retrieved, such as the highlighted trip segment. The highlighted trip segment on the map constitutes a map annotated by the highlighted trip segment.

Claim 20: See remarks for claims 1 and 2. Note that the annotated image (a map image annotated with a preferred route) can be stored in the sense that it remains on the client's display until changed. Additionally, the annotated image can be considered as stored in the sense that the annotated image can inherently be placed in the client system's memory.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2175

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lappenbusch et al. (U.S. Patent 6,297, 798) in view of Official Notice.

Claim 11: Lappenbusch differs in that it does not disclose the step of printing the annotated image. Examiner takes Official Notice that printing a displayed image on a computer is well known in the art. It would have been obvious to one of ordinary skill in the art to modify Lappenbusch to print the annotated image so as to make the image portable. In other words, the printed image can be taken by the user on the designated road trip to provide instructions on a route to follow during the road trip.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell  
Primary Examiner  
Art Unit 2175